

Introduced by Senator Wright

February 18, 2011

An act to amend Section 6133 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 680, as amended, Wright. Corrections: Internal Affairs.

Existing law establishes the Bureau of Independent Review within the office of the Inspector General to provide public oversight of specified investigations conducted by the Department of Corrections and Rehabilitation, and to issue reports to the Governor and the Legislature that are required to include specified content.

This bill would provide that the Bureau of Independent Review shall provide public review *and monitoring*, rather than public oversight, of those same investigations conducted by the Department of Corrections and Rehabilitation, and would delete specified required elements from the reporting mandate.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6133 of the Penal Code is amended to
- 2 read:
- 3 6133. (a) There is created within the Office of the Inspector
- 4 General a Bureau of Independent Review (BIR), which shall be
- 5 subject to the direction of the Inspector General.

(b) The BIR shall be responsible for contemporaneous public review *and monitoring* of the Department of Corrections and Rehabilitation investigations conducted by the Department of Corrections and Rehabilitation's Office of Internal Affairs. The BIR shall also be responsible for advising the public regarding the adequacy of each investigation, and whether discipline of the subject of the investigation is warranted. The BIR shall have discretion to provide public review *and monitoring* of other Department of Corrections and Rehabilitation personnel investigations as needed.

(c) (1) The BIR shall issue regular reports, no less than annually, to the Governor and the Legislature summarizing its recommendations concerning its review *and monitoring* of the Department of Corrections and Rehabilitation allegations of internal misconduct and use of force. The BIR shall also issue regular reports, no less than semiannually, summarizing its review *and monitoring* of Office of Internal Affairs investigations pursuant to subdivision (b). The reports shall include, but not be limited to, the following:

(A) Data on the number, type, and disposition of complaints made against correctional officers and staff.

(B) A synopsis of each matter reviewed by the BIR.

(C) An assessment of the quality of the investigation, the appropriateness of any disciplinary charges, and when founded, the level of discipline afforded.

(D) The report of any settlement.

(E) The extent to which any discipline was modified after imposition.

(2) The reports shall be in a form which does not identify the agency employees involved in the alleged misconduct.

(3) The reports shall be posted on the Inspector General's Web site and otherwise made available to the public upon their release to the Governor and the Legislature.